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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/629,262	07/31/2000	David J. Miller	10001634-1	4178

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EXAMINER

KERR, DEBRA E

ART UNIT PAPER NUMBER

3625

DATE MAILED: 09/25/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/629,262

Applicant(s)

MILLER, DAVID J.

Examiner

Debra E Kerr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 7 refers back to claim 5 and recites the limitation 'the characteristic', which lacks antecedent basis. Revising claim 7 to read –the method of claim 6 – would have sufficient antecedent basis. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1,2, 4-6, 10-12, 14-16 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen et al. (US 6,182,097).**

Hansen discloses a method for displaying information about web site usage patterns that involves tracking visitors to a web page by assigning a visitor tag including a unique ID number to a web site visitor and storing parameters on that visitor related to the web including pages browsed, web components downloaded, and time spent on a

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web site. The system software compiles statistical displays such as scatter plots, bar graphs and tables showing total number of visits to a web site, relative distribution of requests among subgroups of visitors and most popular links selected by visitors over time. Links can be designated by symbols based on their characteristics, and each link's relative popularity can be shown by differently sized symbols for ease of visualization (see at least col. 6, lines 8-65, col. 8, line 25 – col. 9 line 45 and col. 10, lines 35-65). Hansen is silent regarding generating a symbol for a customer; however, it would have been obvious to one having ordinary skill in the art at the time of the invention to include symbols for individual visitors in an identical manner to the disclosed symbols for web links, in order to provide a means to graphically convey individual visitor usage data for a web site.

**Claims 3, 8, 13 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Bezos et al. (US 6,029,141).**

Hansen discloses generating numeric values based on a web browsing selection, calculating a parameter representing a recency indicator and a referral indicator (see col. 8, lines 58-65, col. 10, lines 5-10), but fails to teach generating numeric values based on a retail purchase transaction, referral of another customer. Bezos teaches an Internet referral system operating on a commercial website that tracks customer referrals from other web merchants and also tracks purchase transactions including transactions on multiple websites to enable customers to check out once, and to calculate merchant percentage of sales. It would have been obvious to one having ordinary skill in the art at the time of the invention to combine Hansen's web site usage

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visualization method with the teaching of Bezos regarding tracking site visitor's retail purchase amounts and referrals from other merchant sites in order to allow a web site owner to identify and reward those customers who make frequent purchases or referrals.

**Claims 7, 9, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen in view of Arsenault et al. (US 5,894,310).**

Hansen discloses graphical representations and symbols with a size characteristic but fails to teach symbols with characteristics comprising motion, color, size, shape, length, direction or intensity, or generating a three-dimensional array. Arsenault teaches a 3-D computer graphics system for creating three-dimensional models including all of the above characteristics (see at least col. 4, lines 2-18, and col. 5 line 48 – col. 6 line 51). It would have been obvious to one having ordinary skill in the art at the time of the invention to combine Hansen's web site usage visualization method with the teaching of Arsenault regarding creating symbols and three-dimensional arrays, in order to display complex graphical representations of numeric data and make data analysis easier.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Voillat (US 5, 367,286) discloses a system for symbolically displaying competitor ranking in a race.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra E Kerr whose telephone number is (703) 305-3184. The examiner can normally be reached on 7 a.m. to 4:30 p.m. , first Friday off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on (703) 308-1344. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

DEK

DEK

September 20, 2002

  
WYNN W. COGGINS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600